IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6453 of 2005

Between:

K.Babu Rao, S/o. Narashimhulu,
Tirupathi, Chittor District, A.P.

..... PETITIONER

AND

1 The Regional Manager, APSTRC., Tirupathi Region,
Tirupathi, Chittor District, A.P.,
2 The Depot Manager, APSTRC., Tirupathi Depot.,
Tirupathi, Chittor Dist., A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus, declaring the office order issued by the first respondent herein i.e., Regional Manager, APSTRC Tirupathi Region, Tirupathi, Chittoor District, A.P., dt.17-12-2004 granting of Special Grade on completion of 12 years w.e.f., 1-8-2003 instead of 31-10-1998 as unjust and illegal to the extent of the petitioner and direct the respondents to grant Special Grade after completion of 12 years of service from the date of appointment i.e., 31-10-1986 after calling for the records and to pass such other orders.

Counsel for the Petitioner: MR.NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

ORDER:

For not granting stagnation increment the present writ petition is filed.

According to the writ petitioner, he completed 12 years of service in the respondent Corporation, and therefore, he is entitled to the stagnation increment. As the stagnation increment/Special Grade was not sanctioned to him, the present writ petition is filed.

The learned counsel for the petitioner contended that the total service rendered by the petitioner in the Respondent Corporation has to be taken into consideration for granting stagnation increment/Special Grade.

On the other hand, the learned Counsel for the respondents contended that as the petitioner has not completed 12 years of service in a particular region, he is not entitled for such benefits.

This Court in W.A.No.1301 of 2000, dated 29.10.2002 held that it is the total service rendered by the petitioner in the respondent Corporation that counts, but not in the division or region. Following the above judgment, the total service of the petitioner has to be taken into consideration in granting stagnation increment/Special Grade.

Therefore, the respondents are directed to consider the case of the petitioners for granting stagnation/Special Grade increment, considering the total service rendered by him from the date of his appointment in the Corporation, within a period of 2 (two) months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. No order as to costs.

Dated: 28.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager,

APSRTC, Tirupathi Region,

Tirupathi, Chittoor District

2. The Depot Manager, APSRTC,

Tirupathi Depot, Tirupathi,

Chittoor District

3. Two CD copies

*Form-NIC-OGS/WP{**BJPR**}*